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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/626,197	07/28/2000	Hikaru Wako	9333-241	3148
757	7590	06/08/2004	EXAMINER	
BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610			MANCHO, RONNIE M	
			ART UNIT	PAPER NUMBER
			3663	

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/626,197

Applicant(s)

WAKO, HIKARU

Examiner

Ronnie Mancho

Art Unit

3663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☒ Interview Summary (PTO-413)
Paper No(s)/Mail Date 5/28/04
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Art Unit: 3663

DETAILED ACTION

Drawings

1. The drawing correction, fig. 11 was received on 3/31/04. The drawing was accepted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-10, 17, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaplan et al (6401034) in view of applicant's prior art, fig. 11.

Regarding claim 1, Kaplan et al (fig. 3, col. 9, lines 54+) disclose a method of displaying a POI icon at the location point of a POI on a map displayed by a navigation system, comprising:

defining a plurality of POI categories (fig. 6);

storing a location point and a type of POI for every POI in each category (col. 3, lines 34-58);

displaying the map image including POIs located on the map, wherein POI's from two or more categories can be displayed on the map, POI's in each category are displayed on the map by a common POI icon (figs. 15&16; col. 11, lines 7-67; fig. 3, col. 9, lines 54+); and

displaying the type of POI within a category when a POI icon is selected (figs. 3&16; col. 7, lines 47-67) on the map image.

Art Unit: 3663

Although Kaplan did not disclose that the POI icons displayed on the map for different POI categories are visually distinct; however, Kaplan (col. 12, lines 5-18) indicates that POI icons (results of intermediate stops) can be communicated or displayed on a map in different ways. Then the applicant's prior art, fig. 11 teaches that POI icons displayed on the map for different POI categories are visually distinct. Therefore, it would have been obvious to one of ordinary skill in the art of displaying POI icons to modify the Kaplan method as taught by the applicant's prior art, fig. 11, for the purpose of effectively displaying of communicating POI icons on a navigational map.

Regarding claim 2, Kaplan et al (fig. 3, col. 9, lines 54+) disclose the method according to claim 1, wherein said POI category is restaurants (col. 3, lines 54-58) and said type of POI is type of food classified by country (fig. 9, col. 7, lines 60-67).

Regarding claim 3, Kaplan et al (fig. 3, col. 9, lines 54+) disclose the method according to claim 1, wherein the map is scrolled by an operation for moving a cursor 132, 136 (figs. 16, 4, 8, 9, etc; col. 6, lines 50-to col. 7, lines 108, also see "press back" icon or "press forward" icon) and the POI icon corresponding to a POI is selected (fig. 16, col. 11, lines 14-33; col. 12, lines 16-30) by said cursor 132, 136.

Regarding claim 4, Kaplan et al disclose the method according to claim 3, further comprising:

storing a POI name for each POI (col. 3, lines 40-58; fig. 8, col. 7, lines 47-59);

displaying POI names of a plurality of POI icons which are overlapped by the cursor (figs. 8, 3, 16; col. 7, lines 47-67); and

Art Unit: 3663

selecting the POI icon corresponding to a desired POI by selecting the POI name of said POI among said plurality of POI names (fig. 8; col. 7, lines 47-59).

Regarding claim 5, Kaplan et al disclose the method according to claim 1, wherein a destination is set after selecting the POI icon, thereby searching a route to the POI corresponding to said POI icon (fig. 3, col. 5, lines 55-67; col. 9, lines 54 to col. 10, lines 1-24).

Regarding claim 6, Kaplan et al disclose a method of displaying a POI icon at the location point of a POI on a map, displayed by a navigation system, comprising:

defining a plurality of POI categories (fig. 6);

storing a location point and a type of POI for every POI in each category (col. 3, lines 40-58);

presetting the type of POI in a selected POI category (col. 3, lines 40-58; fig. 8, col. 7, lines 47-67);

displaying the map image including POIs located on the map, wherein POIs of said preset type of POI are displayed on the map by a common POI icon (figs. 15&16; col. 11, lines 7-67; fig. 3, col. 9, lines 54; and

displaying the type of POI within a category when a POI icon is selected (figs. 3&16; col. 7, lines 47-67) on the map image.

Although Kaplan did not disclose that the POI icons displayed on the map for different POI categories are visually distinct; however, Kaplan (col. 12, lines 5-18) indicates that POI icons (results of intermediate stops) can be communicated or displayed on a map in different ways. Then the applicant's prior art, fig. 11 teaches that POI icons displayed on the map for different POI categories are visually distinct. Therefore, it would have been obvious to one of

Art Unit: 3663

ordinary skill in the art of displaying POI icons to modify the Kaplan method as taught by the applicant's prior art, fig. 11, for the purpose of effectively displaying of communicating POI icons on a navigational map.

Regarding claim 7, Kaplan et al disclose the method according to claim 6, wherein one POI category is restaurants and said type of POI is type of food classified by country (figs 7-9; col. 7, lines 35 to col. 8, lines 1-14).

Regarding claim 8, Kaplan et al disclose the method according to claim 6, wherein the map is scrolled by an operation for moving a cursor and the POI icon corresponding to a POI is selected by said cursor (fig. 8; col. 7, lines 47-59).

Regarding claim 9, Kaplan et al disclose the method according to claim 8, further comprising:

storing a POI name for each POI (col. 3, lines 40-58; fig. 8, col. 7, lines 47-67);

displaying POI names of a plurality of POI icons which are overlapped by the cursor (fig. 8, col. 7, lines 47-67);; and

selecting the POI icon corresponding to a desired POI by selecting the POI name of said POI among said plurality of POI names (fig. 8, col. 7, lines 47-67);.

Regarding claim 10, Kaplan et al disclose the method according to claim 6, wherein a destination is set after selecting the POI icon, thereby searching a route to the POI corresponding to said POI icon (col. 9, lines 54 to col. 10, lines 1-29; col. 12, lines 16-24).

Regarding claim 17, Kaplan et al disclose a navigation system for displaying a Point of Interest (POI) icon at the location point of a POI on a map, comprising:

Art Unit: 3663

means for storing a location point and a type of POI for every POI in each of a plurality of POI categories (col. 3, lines 34-58; figs. 8&9, col. 7, lines 47-67);

means for displaying the map image including the POIs located on the map, wherein POIs from two or more categories can be displayed on the map, POIs in each category are displayed on the map by a common POI icon (figs. 7-9, col. 7, lines 47-67);

means for selecting a POI icon (figs. 7-9, col. 7, lines 47-67; fig. 16) on the map image; and

means for displaying the type of POI within a category when a POI icon is selected (figs. 7-9, col. 7, lines 47-67).

Although Kaplan did not disclose that the POI icons displayed on the map for different POI categories are visually distinct; however, Kaplan (col. 12, lines 5-18) indicates that POI icons (results of intermediate stops) can be communicated or displayed on a map in different ways. Then the applicant's prior art, fig. 11 teaches that POI icons displayed on the map for different POI categories are visually distinct. Therefore, it would have been obvious to one of ordinary skill in the art of displaying POI icons to modify the Kaplan device as taught by the applicant's prior art, fig. 11, for the purpose of effectively displaying of communicating POI icons on a navigational map.

Regarding claim 18, Kaplan et al disclose a navigation system for displaying a Point of Interest (POI) icon at a displayed location point of a POI on a map, comprising:

means for storing a location point and a type of POI for every POI in each of a plurality of POI categories (col. 3, lines 34-58; figs. 7-9, col. 7, lines 47-67);

Art Unit: 3663

means for presetting the type of POI in a selected POI category (figs. 7-9, col. 7, lines 47-67);

means for displaying the map image including the POIs located on the map, wherein POIs of said preset type of POI are displayed on the map by a common POI icon (figs. 7-9, col. 7, lines 47-67);

means for selecting a POI icon (figs. 7-9, col. 7, lines 47-67; fig. 16) on the map image; and

means for displaying the type of POI within a category, when a POI icon is selected (col. 3, lines 40-58; figs. 8&9, col. 7, lines 47-67);

Although Kaplan did not disclose that the POI icons displayed on the map for different POI categories are visually distinct; however, Kaplan (col. 12, lines 5-18) indicates that POI icons (results of intermediate stops) can be communicated or displayed on a map in different ways. Then the applicant's prior art, fig. 11 teaches that POI icons displayed on the map for different POI categories are visually distinct. Therefore, it would have been obvious to one of ordinary skill in the art of displaying POI icons to modify the Kaplan device as taught by the applicant's prior art, fig. 11, for the purpose of effectively displaying of communicating POI icons on a navigational map.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

Art Unit: 3663

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 11-15, 19 are rejected under 35 U.S.C. 102(e) as being anticipated by Kaplan (6401034).

Regarding claim 11, Kaplan et al disclose a method of displaying a POI icon at the location point of a POI on a map, displayed by a navigation system, comprising:

moving a cursor relative to the displayed map, the cursor indicating a predetermined area on the map and a cursor instructing point (figs. 5-9, 16);

displaying an index including a POI name (figs. 3-9, 16; col. 7, lines 35-67) of at least one POI located in the predetermined area indicated by the cursor (figs. 5-9) and a location on the map corresponding to the cursor instructing point (fig. 16, col. 11, lines 64 to col. 12, lines 1-4); and

selecting a POI name or the location corresponding to the cursor instructing point from the index (fig. 16, col. 11, lines 64 to col. 12, lines 1-4).

Regarding claim 12, Kaplan et al disclose the method according to claim 11, further comprising:

Art Unit: 3663

storing a type of food for every restaurant (col. 3, lines 40-58; figs. 8&9, col. 7, lines 47-67); and

displaying the type of food in a restaurant, when selecting the POI name corresponding to said restaurant (figs. 8&9, col. 7, lines 47-67; i.e. a display of Pizza Hut implies the food type is Pizza, etc).

Regarding claim 13, Kaplan et al disclose the method according to claim 12, wherein said type of food is classified by country (American, Chinese, etc, fig. 9).

Regarding claim 14, Kaplan et al disclose the method according to claim 11, wherein the location corresponding the cursor instructing point is selected and, thereafter, said location is set as a destination, thereby searching a route to said location (fig. 16, col. 11, lines 64 to col. 12, lines 1-4; col. 9, lines 54 to col. 10, lines 1-24).

Regarding claim 15, Kaplan et al disclose the method according to claim 11, wherein a POI name is selected and, thereafter, a destination is set, thereby searching a route to the facility corresponding to said POI (fig. 16, col. 11, lines 64 to col. 12, lines 1-4; col. 9, lines 54 to col. 10, lines 1-24).

Regarding claim 19, Kaplan et al disclose a navigation system for displaying a Point of Interest (POI) icon at a displayed location point of a POI on a map, comprising:

means for moving a cursor 268 relative to the displayed map (fig. 16; col. 11, lines 64 to col. 12, lines 1-4), the cursor 268 indicating a predetermined area on the map and a cursor instructing point;

means for displaying (fig. 16) an index including a POI name of at least one POI located in the predetermined area indicated by the cursor and a location on the map corresponding to the cursor instructing point; and

means for selecting a POI name or the location corresponding to the cursor instructing point from the index (fig. 16, col. 11, lines 64 to col. 12, lines 1-4; figs. 3-9, 16; col. 7, lines 35-67).

Allowable Subject Matter

6. Claim 16 is allowed.

7. The following is an examiner's statement of reasons for allowance:

In claim 16, the prior art does not disclose the limitation "displaying only one POI icon and deleting the other POI icons, when a plurality of the same POI icons are included within said predetermined area indicated by cursor".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

8. Applicant's arguments filed 3-31-04 with respect to claims 1-10, 17, 18 have been fully considered but moot in view of the new rejection. As explained during the interview of 5-28-04, the examiner pointed out to the applicant that the limitation (visually distinct) is very broad and

Art Unit: 3663

can be interpreted as icons distinctly separated apart on a map image. But according to the applicant's explanation during the interview, the applicant construes that the above limitation implies that the icons for the same category are represented by a unique symbol or character. Thus, a new rejected has been submitted in view of the applicant's explanation.

The applicant's arguments with respect to claims 11-15, 19 are not persuasive.

In Kaplan, fig. 16, a map is indicated with different POI icons that represent restaurants where the arrow is pointing; POI icon (2) is different from POI icon (1), and are visually distinct from each other as shown on the map of fig. 16. Applicant drawings do not show different POI icons for different POIs; only one POI icon is shown at a time on a map.

Therefore, the prior art anticipates the disputed limitation above.

Next, the applicant argues that Kaplan does not even disclose a cursor. The examiner encourages the applicant to read the Kaplan disclosure carefully, wherein a selection cursor 268 is disclosed which moves relative to the map of fig. 16; Kaplan, col. 11, lines 64-67.

Therefore, it is believed that the rejection is proper and thus stands.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

Art Unit: 3663

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Communication

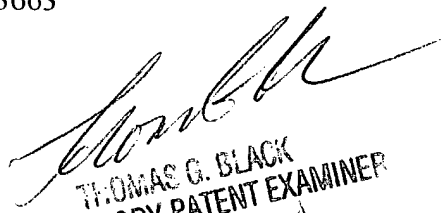
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronnie Mancho whose telephone number is 703-305-6318. The examiner can normally be reached on Mon-Thurs: 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Black can be reached on 703-305-8233. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Ronnie Mancho
Examiner
Art Unit 3663

May 27, 2004


THOMAS G. BLACK
SUPERVISORY PATENT EXAMINER
GROUP 3600